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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/004,541

11/01/2001

Yoshifumi Okita

B6204

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7590

10/27/2003

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EXAMINER

COTTINGHAM, JOHN R

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/004,541

Applicant(s)

OKITA, YOSHIFUMI

Examiner

John R. Cottingham

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 10 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Claims 1-9 in Paper No. 7 is acknowledged.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1- are rejected under 35 U.S.C. 102(b) as being anticipated by Naka et al. U.S. Patent 4,646,490. Naka et al. shows all of the claimed limitations of a handrail in figures 1-23.

Regarding claim 1, a handrail assembly comprising: a handrail A having generally wavy shape (as seen in Figure 6), the handrail comprising an alternation combination of generally upwardly curved sections and generally downwardly curved sections; and means 5 for mounting the handrail relative to a structure so that it is readily by the hand of a user.

Regarding claim 2, the handrail A further comprising a plurality of generally straight sections each interposed between two adjacent, generally upwardly and downwardly curved sections, the axes of two adjacent ones of the generally straight sections intersecting with each other at an obtuse angle (as seen in Figures 6 and 17).

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Regarding claim 3, the handrail comprises at least one straight section disposed near one end thereof.

Regarding claim 4, a handrail assembly A adapted for use with a stairway 3 comprising a handrail A having a generally wavy shape; means 5 for mounting the handrail A obliquely along a stairway 3 to provide an alternating combination of generally horizontally disposed portions and generally vertically disposed portions, the generally vertically disposed portions being adapted to be grasped by a user without bending his or her wrist forwardly in ascending a flight of stairs, the generally horizontally disposed portions being adapted to be grasped by the user without bending his or her wrist forwardly in descending the flight of stairs 3. Applicant is reminded that the function language of a person using the handrail in specific way is intended use and given limited patentable weight.

Regarding claim 5, the handrail A is mounted relative to the stairway 3 so that each of the generally horizontally vertically disposed portions is disposed generally above a step and a riser of the stairway, respectively.

Regarding claim 6, the generally horizontally disposed portions of the handrail have a width greater than the generally vertically disposed portions so that the user can grasp and lean on the generally horizontally disposed portions for support in descending the flight of stairs.

Regarding claim 7, the handrail includes an anti-slip means ( the outer surface of the rail, through friction).

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Regarding claim 8, the anti-slip means comprises a plurality of grooves extending longitudinally of the handrail. (Figure 23).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Naka et al. U.S. Patent 4,646,490 in view of Raynes U.S. Design Patent 378,432. Naka et al. does not show the use of Braille on the handrail. Raynes teaches the use of Braille indicia on handrail to communicate messages to persons that are seeing impaired. It would have been within the level of one of ordinary skill in the art at the time the invention was made to use Braille indicia, as taught by Raynes, to communicate messages to people using the handrail of Naka et al.

6.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gund U.S. Patent 5,197,717, Lin 4,557,467, and Abbaticchio U.S. Patent 6,553,0251 show similar inventions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R. Cottingham whose telephone number is (703)

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306-3439. The examiner can normally be reached on Monday - Thursday, alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-216.

  
John R. Cottingham  
Examiner  
Art Unit 3679

jrc